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COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 October 1992, at 3.30 p.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 3.45 p.m.

SYSTEM OF DOCUMENTATION AND INFORMATION (agenda item 7) (continued)
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MATTERS RELATING TO THE METHODS OF WORK OF THE COMMITTEE AND THE PRE-SESSIONAL WORKING GROUP IN RESPECT OF THE CONSIDERATION OF REPORTS TO BE SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION, INCLUDING:

(a) CONSIDERATION OF THE QUESTION OF TECHNICAL ADVICE OR ASSISTANCE, AND

(b) CONSIDERATION OF THE QUESTION OF AN INFORMAL TECHNICAL ADVISORY GROUP (agenda item 8) (continued)

1. Mrs. SANTOS PAIS stressed the great value of the in-depth discussion the Committee had just concluded at the ILO headquarters. She had also been particularly impressed by the fact that so many United Nations agencies had been represented at the Committee's previous meeting. The information they had given was much appreciated. It was to be hoped that in future they would continue to be present at the Committee's deliberations, since there was so much in common to discuss with a view to strengthening the system of implementing and monitoring the Convention on the Rights of the Child. For example, it had been extremely interesting to note how article 7 of the Convention, on the right to a name, was linked with the activities of WHO and how different agencies were dealing with the question of child labour. Such matters could come up at any time.

2. There was a relationship between the rights of the child and the activities of the specialized agencies. At the implementation level, technical assistance programmes might play a crucial role, as might advocacy and training. In fact, the work of staff members of the various agencies might be reformulated to enable them to contribute to the implementation of the Convention within their official mandates by assisting with the dissemination of information on the links between the Convention and the mandates of their organizations, the work of the Committee, and ways of enhancing public awareness so that national and local communities could make an active contribution to the implementation of the Convention. One area in which awareness could be enhanced was the preparation and timely submission of country reports in accordance with the Committee's guidelines. A need also existed to build up national capacities to deal with children's rights. In that respect it might be possible to establish a bridge between the Committee, the agencies and the national community. It would be interesting to know how United Nations agencies ensured that their technical assistance programmes were evaluated at the country level and how they were followed up. The success of the technical advisory group depended upon it being informal. It would be important to consider how the group could operate, especially in relationship to the pre-sessional working group.

3. The representative of UNDP might wish to give the Committee some information concerning the Programme's experience with its new political freedom index and indicate whether UNDP offices, which were to be found in some 120 countries, could be used for the dissemination of the Committee's reports,

country reports and the relevant summary records in countries where there was no United Nations information office.

4. Mr. Kolosov had drawn attention to the fact that international cooperation was not reflected in the guidelines. The question was, however, dealt with in various parts of the Convention, primarily in article 45, but also in articles 21, 23, 24, 28 and others containing a formulation concerning the need to encourage international cooperation, which States parties ought to take into account in preparing their reports. Consequently, at the moment there was no need to include a new paragraph on the subject in the guidelines.

5. Mr. BONEV (United Nations Development Programme) expressed his confidence that the Administrator of UNDP would try to help the Committee with the dissemination of information. A human freedom index had been included in the Programme's human development report for the past three years. Not all Governments were happy with that arrangement and there had been some criticism. The Administrator, however, was insisting that considerable poverty existed because limitations on the initiative of individuals were restricting socio-economic development. During the cold war, human rights had been almost a taboo subject in UNDP, but that was no longer the case.

6. Mr. BELSEY (World Health Organization), referring to his organization's mechanisms for evaluating technical assistance activities at the country level, explained that WHO had moved away from the concept of technical assistance, which was now termed "technical collaboration", with WHO acting as broker. Every three years, Member States were called upon to report their progress in implementing the Strategy for Health for All by the Year 2000 in accordance with a set of indicators which he had made available to the United Nations Secretariat. Some World Health Assembly resolutions required Member States to report periodically on specific issues such as AIDS and immunization. Country reports were prepared by Member States themselves, not by WHO, and many of them were reviewed and evaluated by the regional committees. External ad hoc reviews were also undertaken by experts from other agencies. Moreover, every WHO programme was expected to evaluate itself every two years.

7. Mr. MOMBESHORA, addressing the representative of ILO, said that child labour was more of a problem in developing countries with very weak economies. Consequently, it was extremely difficult to monitor and enforce labour laws. On that particular matter the Committee would be relying on information from ILO and he therefore wondered whether ILO, when it measured a country's level of unemployment or of child labour, relied on official information from the Government or from the industry concerned. If there was any violation of the labour laws and employment of under-age children, employers would naturally be reluctant to report it, taking advantage of the situation to provide only short-term employment and to pay lower wages. Thus the employees concerned were unlikely to be officially recorded. Only an independent assessment could establish the level of abuse.

8. In countries with a mainly rural population, most agricultural work was not recorded and persons under the age of 18 often accounted for almost 50 per cent of the total. How was it possible to assess the number of under-age persons

working in agriculture? Some guidance on the kind of question the Committee might put to States parties in order to elicit the required information would also be appreciated.

9. Mr. SWEPSTON (International Labour Organisation) replied that the problem of child labour was very difficult because people did not report illegal acts. ILO was trying to devise ways of obtaining statistics on the subject. The situation was further complicated by the fact that increasingly larger portions of national economies were informal or unstructured and consequently outside government control. Hence the statistics supplied were not always reliable. In any case, it should be borne in mind that, while the Convention on the Rights of the Child defined a child as a person under 18 years of age, ILO conventions gave different ages for different circumstances. Some 10 years previously, ILO had conducted a survey of child labour, which was difficult to suppress. Sometimes extralegal measures were effective, such as reporting by neighbours or strong family influences.

10. It was very difficult for Governments to measure the size of the informal economy. Rural areas were often outside effective government control, with few labour inspectors and insufficient police. ILO dealt with that problem to some extent by allowing Governments to exclude from the operation of a convention those parts of its territory where it was impossible to apply the convention's provisions, as in the case of Brazil, for example.

11. Mr. BELSEY (World Health Organization) said that WHO also had provisions whereby subregional reporting could be limited to areas where data collection was known to be reliable. The Committee might find it useful to adopt the so-called creative use of methods of analysis, collecting information from various sources and working it into a single statement, for example, combining birth data and school data to give an approximation of the number of children in the labour sector.

12. WHO had been able to conclude, on the basis of ILO data concerning numbers of working children, that there were age-specific occupation-related deaths, and had calculated that the risk of dying in the 5 to 9 and 10 to 14 age groups was sometimes as much as 10 times higher than among adults in the same country, largely because workplaces and work instruments had not been designed for children, who were consequently at greater risk. That type of combined information, which might best be elucidated through an informal working group, would enable the Committee to identify problems in a given country at an early stage and draw them to the attention of the Government.

13. Mr. HAMMARBERG said that the Committee had learned a good deal from the representatives of the specialized agencies and from the study visit to ILO. It appeared that it would be extremely valuable for the Committee to combine a country-by-country approach with a thematic approach in order to draw maximum benefit from the contributions from the relevant specialized agencies. It was also important to take the time to discuss the major themes that would arise in the consideration of country reports, in order to ensure a fruitful discussion with reporting Governments.

14. On the subject of indicators, the Committee seemed to agree that, in spite of all the difficulties involved it should follow discussions in other treaty bodies and agencies to see what benefit and guidance might be gained for assessing the implementation of some of the articles of the Convention. It also appeared to agree that one or more members should attend the seminar on social and economic indicators in December 1992 and report back to the Committee.

15. As to a technical advisory group, the Committee should invite representatives of the specialized agencies to its meeting in December 1992, which might in part be seen as a technical advisory group meeting. It would be a key event for the Committee and would need careful preparation, the specialized agencies and NGOs being notified well in advance to enable them to make a proper input. The Committee would then evaluate the results of the meeting and hope to be able to find the right format. The question of technical assistance could be tackled when discussing country reports in the technical advisory group, in view of the problems associated with article 45 (b) of the Convention. Any conclusions which might be drawn would then be mentioned in the Committee's final observations on the States parties' reports.

16. The question of information and documentation should be given extensive coverage in the Committee's report. The Committee should first of all express its dismay at the slow pace of computerization and of building up an information system within the Centre for Human Rights. It should mention that the only achievement so far had been an appeal to Governments to contribute to a voluntary fund from which the first stage of computerization would be financed. The Committee should then include its own appeal to Governments to respond to the earlier appeal, so that the computerization process could get under way. It might also recommend that the forthcoming meeting of chairpersons of treaty bodies should attach high priority to the issue of information and documentation systems and make concrete proposals. Again, a recommendation might be made that the meeting should specify the type of information and the facilities which the Centre was being asked to provide. In addition, a proposal should be put forward regarding cooperation between the Centre and the specialized agencies with a view to making the entire network effective both in relation to the Committee and to other treaty bodies. Lastly, the Committee should reiterate its proposal for a resource room for the treaty committees, a facility which should be regarded by the United Nations as an essential service.

17. Miss MASON said that the question of statistical information was still a problem, particularly since figures could be used to serve almost any purpose. It was difficult to decide whether the Committee should use figures provided by a reporting Government or those from other sources. The Committee had been set up not to act as a police body but rather to ensure that the provisions of the Convention were implemented.

18. Mr. KOLOSOV wondered whether some mechanism could be devised, as the time for considering country reports drew near, for facilitating cooperation with specialized agencies and NGOs to make sure that information could be exchanged efficiently and inexpensively, and prevent undue loss of time and errors of judgement through lack of immediate contact with specialized agencies or NGOs during inter-sessional periods.

19. Mrs. SANTOS PAIS suggested that, in that connection, the secretariat might be able to report on the experience of other treaty bodies, such as the Committee on Economic, Social and Cultural Rights. A certain precedent had already been established which the Committee could use.

20. When the Committee had previously discussed its approach to States parties' reports, one of the options before it had been to appoint country rapporteurs, but it had been pointed out that, in view of the wide range of issues covered by the Convention, it would be very difficult for any one person to have the requisite in-depth knowledge. Since the Committee was multidisciplinary and well balanced in terms of the numbers of men and women members, a working group might be more useful than country rapporteurs, and ensure that no undue pressure was placed on any one individual. Furthermore, the pre-sessional working group could study the various country reports for the next following session and, at the same time, consult other expert bodies for the purpose of drafting an appropriate list of questions for government representatives.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE (agenda item 4) (continued)

21. The CHAIRMAN invited the representative of the International Criminal Police Organization to address the Committee.

22. Ms. MANKE (International Criminal Police Organization) said that, subsequent to the adoption of the Convention on the Rights of the Child, a resolution had been passed by the General Assembly of ICPO/Interpol that its General Secretariat should carry out a study in collaboration with the appropriate United Nations bodies with a view to proposing measures to improve international cooperation in matters pertaining to offences against minors.

23. Most offences committed against children, such as maltreatment or sexual abuse, were not international per se, and hence Interpol was rarely provided with relevant information. Furthermore, offences of a more international nature, such as trafficking in children for adoption purposes and child pornography, were scarcely ever reported to the General Secretariat, possibly because the information was communicated bilaterally and possibly also because of a lack of awareness or interest on the part of some member countries. The General Secretariat was endeavouring to obtain as much information as possible from other sources, such as NGOs and the media, in order to gain a clearer picture of the situation, and to that end had prepared a questionnaire which had been circulated to member countries. Replies had been received from 53 members, and had been studied by specialists from different countries and officers from Interpol's General Crime Group, who had together produced a set of recommendations. The recommendations had been discussed at the First Symposium on Offences against Children and Young Persons, held in Lyon in April 1992, which had been attended by representatives of the Centre for Human Rights. The Symposium's conclusions and recommendations were now before the Committee. If the conclusions and recommendations met with the approval of Interpol's General Assembly, member countries would be asked to take whatever action was necessary. To that end, a proposed standing working party, consisting of experts and police officers, would assist member States.

24. The conclusions fell into two parts, namely preventive measures and law enforcement measures, and the general considerations contained a direct reference to the Convention on the Rights of the Child. The experts had called for United Nations collaboration in statistical matters by recommending that international child victim statistics be published in a form combining both international police statistics and statistics provided by the United Nations. In that connection, the statistics published by UNICEF would be extremely useful, as would any produced by other United Nations bodies. In addition, the Interpol General Secretariat had been asked to discuss jointly with experts and with the United Nations how crime statistics might best be used. United Nations cooperation was also sought in matters relating to the prevention of crimes against children and in examining the possibilities of cooperation in the training of police officers.

25. A further area for United Nations cooperation was in victim assistance, and the General Secretariat had been asked to consider the possibility of organizing an international victim conference in collaboration with the United Nations. Lastly, the General Secretariat had been requested to cooperate with the United Nations and other competent bodies in determining measures for dealing with cases involving missing children. The Committee was invited to consider whether it might be able to cooperate in any of the areas mentioned.

26. Mr. KOLOSOV wondered whether Interpol was competent to deal with crime against children in general, since its essential function was to combat international organized crime. He feared that the activities mentioned might duplicate the efforts of the Committee on Crime Prevention and Control and other competent United Nations bodies.

27. Ms. MANKE (International Criminal Police Organization) replied that, under article 2 of its Constitution, Interpol was required to ensure the widest mutual cooperation possible, something which would allow for the activities that were envisaged. In any case, Interpol dealt with all forms of crime, with the exception of crimes of a racial, religious or military nature.

28. When Interpol had launched the initiative, it had been surprised at the dearth of information on the subject and had therefore sought the cooperation of its member States and the relevant United Nations bodies. Furthermore, the meeting of experts held at the Interpol General Secretariat had also recognized the need for an international victim conference as well as the establishment of international statistics.

29. Mr. GOMES DA COSTA inquired what Interpol's position was on the manipulation of children for criminal activities such as drug trafficking.

30. Ms. MANKE (International Criminal Police Organization) replied that Interpol had adopted a resolution on the subject in 1991, requesting member States to deal more severely with those who involved children in such criminal activities. Although the conclusions did not specifically refer to the manpulation of children, there were several references to children as victims of such situations.

31. Mrs. SANTO PAIS said it was clear from the Symposium's recommendations that Interpol shared many of the Committee's concerns about offences against children. She was particularly pleased to note that it had acknowledged the importance of the Convention on the Rights of the Child in that regard. More importantly, Interpol had stressed the need for multidisciplinary cooperation in order to combat crime against children, a view held by many other human rights treaty bodies. It was interesting to note the recommendations on police structures, and in particular the suggestion that specialist liaison officer should be appointed by national police forces, something which was in keeping with the provisions of article 40 of the Convention. She welcomed the recommendations on possible cooperation or liaison with the United Nations on a number of issues, including the establishment of useful crime statistics and the training of police officers.

32. Mr. HAMMARBERG said that, although the Symposium's recommendations appeared to be directed at other bodies within the United Nations system, there were many areas of common concern which justified some form of cooperation with the Committee and certainly the presence of an Interpol representative at future meetings.

33. An area in which Interpol could play a vital role was in raising moral standards among police officers. It was an irrefutable fact that, in some countries, police officers were actively involved in the repression of children and ignored offences against the young, such as drug trafficking and child prostitution. Codes of ethics for police officers did exist and attempts had already been made to improve the situation, but greater efforts along those lines were needed.

34. Other types of offences against children were reported and required further research and substantiation, such as the sale of children for organ transplants. He was aware that the Norwegian authorities had greatly appreciated Interpol's collaboration in its inquiries into child prostitution. He wondered whether Interpol would be able to assist the Committee in its work by conducting or coordinating further research into such offences.

35. Ms. MANKE (International Criminal Police Organization) stressed that the recommendations had been drafted with the Committee in mind too, and that Interpol stood ready to cooperate wherever possible. In reply to Mr. Hammarberg's question, she pointed out that Interpol itself did not carry out research; it had merely identified problem areas requiring further research as one of the priorities its member countries should take into account. It was hoped that the United Nations might initiate activities in that area.

36. Mr. GOMES DA COSTA said he concurred with the view that cooperation with Interpol would be desirable. Interpol could greatly assist the Committee in two key areas. First, it should do its utmost to ensure that police officers treated children involved in criminal activities no differently from other children. Second, he hoped that it could bring its influence to bear in improving training standards among police officers, thereby ensuring that their actions were in accord with the provisions of the Convention.

37. Ms. MANKE (International Criminal Police Organization) said she agreed on the need to recognize the plight of children who were victims of criminal activities. She assured Mr. Gomes da Costa that she would bring the points he had raised to the attention of the standing working party at its forthcoming meeting. Another document was also to be submitted to Interpol's General Assembly on criminal activities involving children.

38. Mr. KOLOSOV said that cooperation with Interpol would be particularly useful in the field of statistics. However, he was not certain that the Committee, as a United Nations treaty body, was competent to agree whether such cooperation would be possible there and then. None the less, as individuals, members of the Committee would be willing to participate in Interpol initiatives, particularly with regard to training. Lastly, he enquired what was meant by statistics "in a form combining both international police statistics and statistics provided by the United Nations".

39. Ms. MANKE (International Criminal Police Organization) said that, unfortunately, the crime statistics compiled by law enforcement agencies did not reflect the true situation. For instance, experts estimated that 95 per cent of offences against minors were never reported. Since other statistics were compiled by independent bodies such as non-governmental organizations, it was hoped that by combining the official and non-official statistics a more accurate picture of the crime situation would emerge. The United Nations might wish to undertake such a project, for it had links with the non-governmental organizations.

40. Mgr. BAMBAREN GASTELUMENDI said he welcomed the recommendations on the training of police officers but wondered what the likelihood was of those recommendations ever becoming effective.

41. Ms. MANKE (International Criminal Police Organization) said that the recommendations were not binding on the members of Interpol, but an attempt had been made to ensure that they did not remain a pious hope by the establishment of a standing working party, which it was hoped would make concrete proposals and establish training courses for police officers.

42. The CHAIRMAN thanked the representative of Interpol for having addressed the Committee. Clearly, members believed that there could be useful cooperation between Interpol and the Committee, both on information and statistics and on other matters.

CONSIDERATION OF INFORMATION REQUIRED UNDER EACH SECTION OF THE REPORTING GUIDELINES (agenda item 9) (continued) (CRC/C/5)

Section II. Definition of the child (paragraph 12)

43. Mr. KOLOSOV said that information provided by State parties concerning the definition of the child, including the age of attainment of majority and the legal minimum ages for various purposes would be an essential part of the reports. However, not all the indicators required from Governments were regulated by law: many matters fell under by-laws. As regards alcohol

consumption, for instance, there might even be differences within one country depending on municipality.

44. The Committee had to decide whether it should recommend that, in the light of the obligations assumed by States parties under the Convention, all such matters should be subject to specific legislation at national level. For instance, if a report revealed that there was no law prohibiting hazardous employment or voluntary enlistment of children into the armed forces, should the Committee recommend the adoption of such a law?

45. Mr. HAMMARBERG said he assumed that the Committee would have to be satisfied with the report on the current situation in a country. The questions in the guidelines had been included as a basis for discussion of other articles, but Governments could not be required to set ages for the various activities mentioned since the Convention did not specify them.

46. Mrs. SANTOS PAIS said that the guidelines merely gave examples of activities in which the person's age was important. However, it was important to have specific answers about the age at which capital punishment and life imprisonment were applicable (article 37 of the Convention), the minimum age below which children were presumed not to have the capacity to infringe the penal law (article 40), the recruitment of children into the armed forces (article 38), and the minimum age for admission to hazardous employment (article 32).

47. Article 1 reflected the two strands in the Convention, which considered a child both as a subject of rights he or she was expected to exercise, and also as a vulnerable human being deserving protection. It was important that protection should not be lost if the age of majority was too low. It would be interesting to learn whether States set a different age of majority for boys and girls and the reason for such a difference.

48. Miss MASON added that, if a State allowed marriage below the age of majority, the question would then arise as to whether the married person was a child for the purposes of the Convention and included in the statistics submitted to the Committee. The definition of the child varied from country to country, and none defined a person under the age of 18 as a child for all purposes.

49. Mr. GOMES DA COSTA said that he did not see the matter as a major problem. The Committee should examine the degree of compatibility between national legislation and the letter and spirit of the Convention as reflected in the actual situation of children.

50. Mrs. BELEMBAOGO said that, although article 1 of the Convention contained a broad definition of a child and, in effect, specified the age of majority, it did not say when a child's life began. It would therefore be useful if States parties could be encouraged to give information on how their national legislation defined a child. She was concerned at the possibility of laws for the protection of children being enacted without the necessary machinery to implement them. In such cases, the population would not know about the

legislation, which would thus remain a dead letter. A minimum age for marriage might be set in updated national legislation, but in some countries the people remained attached to customary law under which a girl might sometimes be married at birth or when she became nubile. It was important for the Committee to be informed of the machinery for implementing laws as well as about the legislation itself.

ORGANIZATION OF WORK (continued)

51. The CHAIRMAN said that, in accordance with its rules of procedure, the Committee had to decide whether or not to have a summary record for its closed meeting the following day. She took it that no record would be was required.

52. It was so decided.

The meeting rose at 6.05 p.m.